

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

**THE TRUSTEES OF COLUMBIA
UNIVERSITY IN THE CITY OF
NEW YORK,**

Plaintiff,

v.

Civil Action No. 3:13cv808

NORTONLIFELOCK, INC.,

Defendant.

ORDER

This matter comes before the Court for pretrial management. On April 7, 2022, the Court held a Final Pretrial Conference in this matter.


For the reasons stated from the bench—and based on the parties’ agreement during the Conference—the Court ORDERS that at trial, neither Mr. Hosfield nor any other witness may present an ultimate damages figure while relying on Dr. Jaeger’s (excluded) damages testimony. This includes phrases such as “*de minimis*” or “nominal.” Norton may cross-examine Columbia’s experts on the issue of damages and may argue at closing that Columbia has not met its burden of proving damages, but Norton may not treat any damages figures based on Jaeger’s excluded testimony as if they are part of the evidentiary record.

Moreover, for the reasons stated from the bench—and based on the parties’ agreement during the Conference—Norton may not elicit affirmative testimony from Dr. Jaeger or Mr. Hosfield that Claim 1 of the ’115 patent is a non-infringing alternative and a benchmark for

value. However, Norton may still cross-examine Drs. Cole and Sullivan on these matters at trial, if it so chooses.

It is SO ORDERED.

Date: 4-8-2022
Richmond, Virginia

/s/ 
M. Hannah Lauck
United States District Judge